

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Beverly A. Gilchrist,)	Case No. 8:21-cv-02432-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
)	
Charles L. Reel, Eydie J. Tillman,)	
Jennifer P. Sumner, Odell Glover,)	
Joseph V. Mosley, James A. McLaurin,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff's pro se complaint and motion for temporary restraining order ("TRO") and preliminary injunction.¹ ECF Nos. 1, 10. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On September 10, 2021, the Magistrate Judge issued a Report recommending the motion for TRO and preliminary injunction be denied. ECF No. 15. The same day, the Magistrate Judge issued a second Report recommending that the complaint be summarily dismissed without prejudice and without issuance of service of process. ECF No. 16. At the end of each Report, the Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections

¹ Plaintiff is proceeding in forma pauperis. ECF No. 8.

to the Report and the serious consequences if she failed to do so. Plaintiff has not filed objections to either Report and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Reports of the Magistrate Judge, the Court finds no clear error and agrees with the recommendations of the Magistrate Judge. The motion for TRO and preliminary injunction [10] is **DENIED**. This action is **DISMISSED** without prejudice and without issuance of service of process.²

² The dismissal is without leave to amend because Plaintiff cannot cure the defects as explained in more detail by the Magistrate Judge. See *Bing v. Brivo Sys. LLC*, 959 F.3d 605 (4th Cir. 2020).

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

November 5, 2021
Spartanburg, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.